

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2679.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NATIONAL PARK SERVICE ADMINISTRATIVE REFORM ACT OF 1996

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Park Service Administrative Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.*
- Sec. 2. National Park Service Housing Improvement Act.*
- Sec. 3. Minor boundary revision authority.*
- Sec. 4. Authorization for certain park facilities to be located outside of units of the National Park System.*
- Sec. 5. Elimination of unnecessary congressional reporting requirements.*
- Sec. 6. Senate confirmation of the Director of the National Park Service.*
- Sec. 7. National Park System Advisory Board authorization.*
- Sec. 8. Challenge cost-share agreement authority.*
- Sec. 9. Cost recovery for damage to national park resources.*

SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT.

(a) PURPOSES.—The purposes of this section are—

(1) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(2) to expand the alternatives available for construction and repair of essential government housing;

(3) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(4) to provide increased opportunities for the ownership of housing by field employees, together with the equity and tax benefits associated with home ownership;

(5) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(6) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(b) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereinafter in this section referred to as "the Secretary"), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(c) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. The review and revision shall include consideration of the following criteria:

(1) Required occupancy (whether and under what circumstances the National Park Service requires, as a condition of employment, that an employee live at a particular site or in a specific geographic area). For each instance in which occupancy is required, full consideration shall be given to the concept of adequate response time.

(2) Availability and adequacy of non-Federal housing in the geographic area, including consideration of the degree of isolation (the time and distance that separate other potential housing from the workplace of a National Park Service employee).

(3) Category of employment (seasonal or permanent).

(d) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by subsection (c) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(e) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under subsection (c), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by subsections (c) and (e) has been completed, the Secretary is authorized, pursuant

to the authorities contained in this Act and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(1) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(A) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) lease developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures, except that a lease to a field employee housing cooperative may be awarded noncompetitively if construction on the leased land is then competitively bid or competitively negotiated.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(C) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(4) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this subsection.

(5) THIRD PARTY PARTICIPATION.—A lease under this subsection may include provision for participation by a third party, when third party presence is needed or required, and approved by the Secretary.

(h) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in subsection (g) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this subsection shall be in writing.

(2) LIMITATIONS.—The Secretary may not guarantee—

(A) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(B) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable

under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of \$3,000,000.

(3) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(i) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(j) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(2) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(k) JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.—

(1) SALE OF QUARTERS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may sell field employee quarters to field employees of the agency or a cooperative whose membership is made up exclusively of field employees of the agency.

(B) INTEREST IN LANDS.—The Secretary may only sell a leasehold interest in lands attendant to the sale of any quarters under subparagraph (A).

(2) LEASE OF QUARTERS.—The Secretary may lease Federal land to field employees of the National Park Service or a cooperative made up of field employees of the National Park Service for purposes of constructing employee housing.

(3) RIGHT OF FIRST REFUSAL.—The Secretary shall have right of first refusal when any property transferred under this subsection is for sale.

(4) COVENANTS.—The Secretary may establish and enforce such covenants as may be appropriate to the property, upon its sale by the Secretary under this subsection.

(5) FAIR MARKET VALUE.—The Secretary may sell or transfer employee quarters under this subsection for less than fair market value if the Secretary determines that such a sale or transfer will improve the quality of field employee quarters available and keep the quarters affordable at the salary ranges of field employees normally occupying them.

(6) RULE OF CONSTRUCTION.—Disposal of employee quarters under this subsection to field employees and cooperatives whose membership is made up exclusively of field employees shall not be considered disposal of excess Federal real property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(7) CONTINUING EMPLOYMENT REQUIREMENT.—An individual may occupy employee quarters under this subsection only if the individual or a member of the family of the individual is employed at the National Park System unit with respect to which the quarters are made available.

(8) NOTICE.—The Secretary may not take any action authorized pursuant to this section until 180 days after the Secretary submits a report to the appropriate congress-

sional committees respecting the authority of this subsection.

(l) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to paragraph (2), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(2) LIMITATION.—The Secretary may only issue a lease under paragraph (1) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(A) the requirement for such seasonal field employee quarters is temporary; or

(B) leasing would be more cost effective than construction of new seasonal field employee quarters.

(3) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this subsection from annual appropriations for the year in which such lease is made.

(m) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for the effective prosecution of the agency mission, using existing information; and

(2) develop a agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(n) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under subsection (m), in sequential order, to the maximum extent practicable.

(o) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(p) EMPLOYEE TRANSPORTATION.—The Secretary may use applicable appropriations of the National Park System for transportation to and from work, outside of regular working hours, of field employees, residing in or near a national park system unit, such transportation to be between the unit and the city, or intervening points, at reasonable rates to be determined by the Secretary taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the current appropriation account available for administration of the national park system unit concerned and shall be available to the Secretary for obligation or expenditure. Any surplus proceeds shall be retained by the agency for those purposes until expended. If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the services contemplated by this subsection shall not be offered.

(q) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than govern-

ment housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(r) GENERAL PROVISIONS.—

(1) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which could impact primary resource values of the area or adversely affect the mission of the agency. Any construction carried out under this section shall be fully consistent with approved land management agency plans.

(2) RENTAL RATES.—The Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(s) PROCEEDS.—The proceeds from any lease under subsection (g)(1)(A)(i), any lease under subsection (k)(2), and any lease of seasonal quarters under subsection (l), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(t) DEFINITIONS.—For purposes of this section:

(1) The term "field employee" means—

(A) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(B) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(3) The term "land management agency" means the National Park Service, Department of the Interior.

(4) The term "primary resource values" means resources which are specifically mentioned in the enabling legislation or identified in the general management plan for that field unit or other resource value recognized under Federal statute.

(5) The term "quarters" means quarters owned or leased by the Government.

(6) The term "seasonal quarters" means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.

Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(c)) is amended as follows:

(1) In the first sentence, by striking "Committee on Natural" and inserting "Committee on".

(2) By striking "Provided, however," and all that follows through "1965" and inserting the following after the first sentence: "In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:

"(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

"(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

"(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

"(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

"(5) The proposed boundary has been subject to a public review and comment period.

"(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress."

SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE OF UNITS OF THE NATIONAL PARK SYSTEM.

Section 4 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), is amended to read as follows:

"SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.

"(a) **AUTHORITY.**—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

"(1) avoid undue degradation of the primary natural or cultural resources within the unit;

"(2) enhance service to the public; or

"(3) provide a cost saving to the Federal Government.

"(b) **AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.**—For the purpose of establishing facilities under subsection (a):

"(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

"(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may, subject to the appropriation of necessary funds in advance, lease or acquire (from willing sellers only) by pur-

chase or donation, real property (other than Federal land), for the purposes specified in this section.

"(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

"(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

"(B) compromise the integrity, or the appearance of integrity, of the Department's programs or of any official involved in those programs.

"(4) The Secretary may, subject to the appropriation of necessary funds in advance, construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.

"(c) **COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.**—The Secretary is authorized, subject to the appropriation of necessary funds in advance, to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing."

SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.

(a) **REPEALS.**—The following provisions are hereby repealed:

(1) Section 302(c) of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(2) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 4101i-2).

(3) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(4) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(5) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(6) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(7) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(8) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 4601-8(f)(7)).

(9) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(10) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(11) Section 4 of the Act of October 31, 1988 (Public Law 100-573; 102 Stat. 2891; 16 U.S.C. 460a note).

(12) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

(13) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(14) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(15) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

(b) **AMENDMENTS.**—The following provisions are amended:

(1) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(2) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after "Act" and striking "and shall submit" and all that follows.

(3) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 4601-9(a)(3)), by striking the last sentence.

(4) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 104 Stat. 278), by striking out the second sentence.

(5) Section 307(a) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(a)) is amended by striking the first and second sentences.

(6) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470a) by inserting a period after "Register" the last place such term appears and by striking "and submitted" and all that follows.

SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.

(a) **IN GENERAL.**—The first section of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the "National Park Service Organic Act"), is amended in the first sentence by striking "who shall be appointed by the Secretary" and all that follows and inserting "who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service."

(b) **EFFECTIVE DATE AND APPLICATION.**—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.

(a) **NATIONAL PARK SYSTEM ADVISORY BOARD.**—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(1) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: "There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered

term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archaeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation."

(2) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated "1995" and inserting in lieu thereof "2006".

(3) By adding the following new subsections after subsection (a):

"(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

"(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

"(c)(1) Upon request of the Director, the Board is authorized to—

"(A) hold such hearings and sit and act at such times,

"(B) take such testimony,

"(C) have such printing and binding done,

"(D) enter into such contracts and other arrangements,

"(E) make such expenditures, and

"(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

"(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

"(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

"(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

"(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(c) **EFFECTIVE DATE.**—This section shall take effect on December 7, 1997.

SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.

(a) **DEFINITIONS.**—For purposes of this section—

(1) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(2) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) **CHALLENGE COST-SHARE AGREEMENTS.**—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(c) **USE OF FEDERAL FUNDS.**—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101-337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity."

(2) In section 1 (16 U.S.C. 19ji) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is

a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity."

(3) In section 2(b) (16 U.S.C. 19jj-1(b)), by inserting "any marine or aquatic park resource" after "any park system resource".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

□ 1430

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the bill.

Mr. HEFLEY. Mr. Speaker, the first title of this bill, H.R. 2941, is our attempt to deal with the backlog of housing needs in the National Park Service. The extent of the National Park Service's housing needs is vague but has been estimated to be as high as \$500 million. I wish it was possible to write a check for that amount, but in these times of trying to balance the budget, that is simply not possible.

Instead, H.R. 2941 will provide the Park Service with the a number of creative authorities to encourage others besides the Federal Government to invest in employee housing.

Several years ago Rocky Mountain National Park, in cooperation with the National Park Foundation, attempted to address its own housing needs by purchasing a nearby church camp that was on the market. The deal fell through because, according to the National Park Foundation and the park superintendent, the authorities were not available for them to close the deal. Randy Jones, the Rocky Mountain superintendent, claims he could solve most of his housing needs tomorrow if he only had the flexibility this bill would give him.

We have worked with the Park Service, and they tell us the bill gives them what they need. Several of these authorities were borrowed from legislation crafted for the military where the authorities are proving useful in improving the quality of housing.

The bill also urges the Park Service to examine such options as paid transportation from home to work site and employee cooperatives, in which rangers can build up this equity while they are being moved around the country.

As I have stated, the Park Service estimates its housing needs to be more than \$500 million. However, in several reports from the General Accounting Office we cannot account for quite that much, but we know that there is a significant need there. For that reason, we have adopted an amendment by my friend, the gentleman from Minnesota [Mr. VENTO], which withholds the use of these authorities from individual park units until those units justify their needs, which seems perfectly reasonable.

Further, in response to CBO's concerns about out year costs, the amendment before you makes the entire section subject to appropriations. I understand this amendment has been cleared with the Committee on the Budget.

In conclusion, I would ask my colleagues to recall the horror stories we have heard in recent years of park rangers living in tents or packing crates. We have a problem, one which we need to be flexible and creative in order to try to solve, a problem which is fixable in fairly short order if the Park Service had the authorities to do so.

Mr. Speaker, this bill attempts to give them those authorities, and I ask Members' support of the amendment and of this bill.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, although H.R. 2941, as introduced, dealt solely with employee housing, a comprehensive substitute was adopted by the Resources Committee that incorporated several diverse park proposals that were pending before the committee. I did not object to this procedure being used in this instance. In fact, Representative HANSEN and his staff worked with Democratic members of the committee and the administration to craft a package we can all support.

The centerpiece of this legislative package is the National Park Service employee housing initiative. We have all seen or heard of examples of deplorable employee housing. We know problems exist. If we are to properly address this issue, the Congress needs an accurate assessment of employee housing requirements, the costs associated with those requirements, and a viable working plan to address housing needs. Representative VENTO who worked on this issue for several years took the lead to develop language that was adopted by the committee to address this important aspect of the program. It is a better bill because of these provisions.

Several other elements of H.R. 2941, amended, are specific legislative initiatives of the National Park Service and their inclusion will provide the NPS with some useful management tools.

I would note that based on the committee hearing last fall, there was certainly potential for controversy regarding the provision on the appointment of the NPS Director. I am glad to see that cooler heads prevailed and that the language was amended to its current form.

All in all Mr. Speaker, H.R. 2941, as amended, is a good package. The bill is an example of how we can work together on park issues.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 2941, legislation which provides for a number of needed administrative reforms in the National Park Service. This important bill contains eight different reform proposals ranging from relatively minor proposals, to important, long-debated measures, and reflects the work of several different authors.

Mr. Speaker, many of these proposals are just good common sense; proposals which will make National Park Service operations more efficient, and reduce unnecessary work here in Congress. These are precisely the types of proposals which could have been expected from an administration which claims to be reinventing Government. Unfortunately, Secretary Babbitt has ignored the National Park Service.

For example, several years ago Secretary Babbitt announced a major initiative to improve housing in our national parks. After building a single house for a publicity venture at Great Smokey Mountains National Park, Secretary Babbitt has essentially abandoned the program. In this legislation, Congress has provided a comprehensive solution to the housing problems of the National Park Service. This legislative proposal is not intended as a publicity stunt; I'm not even sure that Mr. HEFLEY, author of the provision, has issued a press release about it. Rather this legislation is being advanced because Members believe that National Park Service employees deserve a decent place to live.

Mr. Speaker, this entire legislative package is bipartisan in nature and reflects the strong input from Democrats as well as Republicans on the Resources Committee. I thank Mr. RICHARDSON and Mr. VENTO for their valuable assistance in developing this legislation.

As I mentioned, section 2 of the bill provides for a variety of authorities to address the unacceptable condition of housing which many NPS employees are required to live in. We heard in testimony about park employees living in uninsulated houses in severe climates, living in buildings which do not meet basic life-safety codes, living in 50-year old repossessed trailers, even in one case, living in a land-sea shipping container.

These conditions must be addressed, and the first step to addressing them is to make absolutely sure that every single housing unit in every park can be fully justified. Second, we must figure out how to fund the necessary housing improvements. Although the Appropriation Committee has provided substantial funds for housing in the past, it is unrealistic to expect they will fully fund the hundreds of millions needed for this program in the near future. Therefore, this legislation, authorizes a number of cooperative ventures with the private sector, designed

to seek their assistance in solving this problem. The legislation even authorizes the Secretary to sell housing to employee cooperatives which would eliminate the need for Federal maintenance of housing while at the same time permitting employees to gain the benefits of home ownership. Third, we must make sure that every single dollar is spent wisely, and that the funds go to the highest priority needs.

Section 3 of the bill provides for generic authority for the National Park Service to make minor park boundary adjustments. While this authority does exist for all parks established after 1965, and for selected other parks, many parks do not have such authority. Further, there is no definition of what constitutes a minor boundary adjustment. Therefore, we find that the NPS has administratively accepted donation of about 30 acres at the Presidio which has a Federal liability of \$65 million for rehabilitation of currently unusable structures, while Congress is passing legislation to add several hundred square yards of land administered by another Federal agency to Independence National Historic Park. This legislation will save time and money for Congress and the administration.

Section 4 of the bill provides generic authority for the NPS to establish administrative and visitor facilities outside of park boundaries. This authority will permit the NPS to establish joint interagency visitor centers, or locate visitor centers or headquarter offices outside of park boundaries where it makes sense. There are currently several proposals now working through Congress to establish such centers, and each of them now requires a separate act.

Section 5 deletes 22 unnecessary congressional reporting requirements. Many of these requirements are simply outdated, such as requiring an annual report on the National Visitor Center at Union Station which was closed over 15 years ago; while others have never been complied with, such as the national trails system report. But mostly, this section will save the agency time and money preparing reports which are of little use in the congressional process.

Section 6 provides for Senate confirmation of the National Park Service Director, in the same manner as the other land management agency heads within the Interior Department—Director of the Fish and Wildlife Service and the Director of the Bureau of Land Management. While many persons have long believed that the head of this important agency should be subject to congressional scrutiny, the issue gained renewed support when Secretary Babbitt announced that his top two candidates for the Office of NPS Director were Tom Brokaw and Robert Redford. While these two gentlemen are well-respected in their chosen fields, they know nothing about running the best park system in the world. Public exposure of these selections was

a clear signal of the purely political manner in which Secretary Babbitt intended to operate the NPS, and resulted in both Democratic and Republican-authored measures to require that the head of the NPS know something about parks other than having vacationed there.

Section 7 of the bill reauthorizes the National Park System advisory board. The statutory authorization for this board expired a couple years ago. While the board has been reauthorized administratively, the role of this board as an independent advisor to the Secretary could be enhanced if it were reestablished by law.

Section 8 establishes and expands the Challenge Cost Share Program for the NPS on a permanent basis. This program, which permits Federal dollars to be leveraged with non-Federal dollars, has proven very effective for the Forest Service; and it is expected to provide similar benefits for the National Park Service at a time when appropriations are limited.

Finally, section 9 of the bill permits the NPS to recover costs from damages to natural resources in the same manner as costs are recovered from damages to marine resources. When the Federal Government recovers costs from such damage, it makes far more sense to apply those funds to restore the resources than to deposit such funds into the Treasury, as is currently the policy.

Mr. Speaker, as Members can see, this bill contains a number of very important provisions which will help our parks, its employees, and make congressional oversight more effective. I commend all Members who have provided input into the bill, Democrats and Republicans alike, and urge all Members to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I had hoped that we could keep this discussion of this bill bipartisan. Obviously, I have to disagree with some of the chairman's comments. This is a good bill.

Employee housing, I had a chance to go to Yellowstone over the recess and had a chance to spend some time with our Park Service employees, not just in law enforcement but also park rangers, men and women. The quality of these men and women is really outstanding. They are hard workers. Of course Yellowstone is the crown jewel.

They talked to me about this housing issue. Basically what you have is some of our, especially bachelor, park rangers living in what is generously called some very substandard housing. We have to do better. We have to do better for our park employees.

Let me address some of the chairman's statements. I disagree. I think Secretary Babbitt has done a good job

with the Park Service. I think Director Kennedy has done a good job, too. I differ with the chairman on whether Tom Brokaw or Robert Redford would have been good directors of the Park Service. I think what Secretary Babbitt is looking at is somebody with high visibility, to give the parks the visibility that they need.

I know the chairman agrees with me. We have got to find ways to ensure that these parks are funded. We need the private sector to help. I think that was one of the objectives viewed there. But I am not going to get into an argument with him, except to say that this administration has done a good job with the environment and with the Park Service, particularly Director Kennedy and Secretary Babbitt.

This is an occasion where, perhaps a few times that we have come together on a bill, we should recognize that that has happened. I commend the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. HANSEN] for this bill. It is a good one. They work with us. They compromise. We compromise. We have a good product that I think will advance the national interest.

□ 1445

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words from the ranking member of the committee. Let me say that, as a Republican member, we have no desire to close any parks, contrary to what people have said, but to make them better.

I think this particular piece of legislation, as we waded through all the sections, points out and expedites the things that will make the parks better and make them work better; and we are very strong on the idea of taking care of our national parks. We have no argument with the administration on most things that they do, but in some of these areas we feel that what they do, but in some of these areas we feel that what should be done should be done not for what is politically expedient, but done for the benefit of the parks, and that is the agreement we thought we had when we first got into the business of this committee.

I appreciate all those who have worked so diligently on this bill. I personally feel this is an excellent piece of legislation, and I urge all Members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2941, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Act Amendments of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. APPLICATION OF REQUIREMENTS TO ELECTRONIC FORMAT INFORMATION.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section, the term—